

House Member Asks Racial Equality for Train Passengers

Mitchell Tells High Court He Was Ejected from Pullman in Arkansas

By the Associated Press.

Representative Mitchell, Democrat, of Illinois, the only colored member of Congress, argued before the Supreme Court yesterday that members of his race traveling from one State to another were entitled to railroad accommodations equal to those furnished white persons.

"To deny this," he asserted, "is purely racial prejudice."

Arguing in his own behalf, Representative Mitchell said he had been "forcibly ejected" from a pullman in Arkansas while traveling from Chicago to Hot Springs in 1937, and had been compelled to complete the journey "in a Jim Crow car with second class accommodations."

A large number of negroes were seated in the courtroom as Representative Mitchell and other attorneys debated the legal controversy. Representative Mitchell's suit for equal facilities was dismissed by the Interstate Commerce Commission and by Federal District Court of Northern Illinois.

Demand Called Slight.

J. Stanley Payne, assistant chief counsel of the I. C. C. and Wallace T. Hughes, Chicago attorney for the railroad involved, said the demand by Negroes in Arkansas for Pullman facilities was "virtually nonexistent."

Mr. Payne explained that the customary practice on the Chicago, Rock Island and Pacific trains ridden by Representative Mitchell was to place a Negro having a Pullman ticket in a drawing room when one was available and to charge "only seat fare."

Justices Black, Stone and Frankfurter pointed out in questioning the attorney that there were extra seats on the Pullman which would have been sold to white persons but were denied to Representative Mitchell. When Mr. Payne explained that railroads would be subjected to heavy expense if required to provide equal dining car accommodations for Negroes, Chief Justice Hughes commented:

"Of course, they could meet that difficulty by admitting colored persons to the dining car."

Solution Questioned.

"The question then would be," Mr. Payne replied, "whether the railroad would have any other customers in the dining car."

He added that there was "a sentiment for segregation" in certain areas of the United States.

The Justice Department recently filed a brief contesting the position of the I. C. C. Solicitor General Francis Biddle asserted that the Constitution required equal facilities for Negroes regardless of the expense.

President Hopes to Take Trip South Next Week

By the Associated Press.

President Roosevelt told reporters today he was hopeful of doing a little traveling as soon as he could.

He is expected to leave next week for the South, perhaps on a spring fishing trip, but he made no announcement on that point.

The President said he had no dates between next Monday and March 29, when a Jackson Day dinner will be held here by the Democrats and that during the 12 days between he hoped to get away for about a week.

Hearing Scheduled Here On Coal Freight Rates

By the Associated Press.

HARRISBURG, Pa., March 14.—The Pennsylvania Public Utility Commission and the Interstate Commerce Commission will confer in Washington next Wednesday on a complaint against freight rates by 20 hard coal producers in Pennsylvania and New York.

Chairman John Higgins, jr., said the Pennsylvania commission would send three members—Richard J. Beamish, Thomas C. Buchanan and Ralph W. Thorne—to Washington to confer "relative to the extent that the two commissions can cooperate in proceedings growing out of the complaint."

Mr. Higgins said the conference was suggested by Chairman Joseph B. Eastman of the I. C. C. The operators filed a complaint January 15 with the State commission against the rail rates from Wyoming, Lehigh and Schuylkill districts to all destinations in Pennsylvania. They also objected to rates from Pennsylvania into New York, New Jersey and Delaware.

In their complaint the producers asked for a joint hearing by the two bodies and requested that the I. C. C. restore to the Pennsylvania commission jurisdiction over intrastate rates on anthracite in this State.

Jurisdiction had, passed to the I. C. C. by virtue of its order of January 4, 1939, permitting a general increase on both intrastate and interstate rates.

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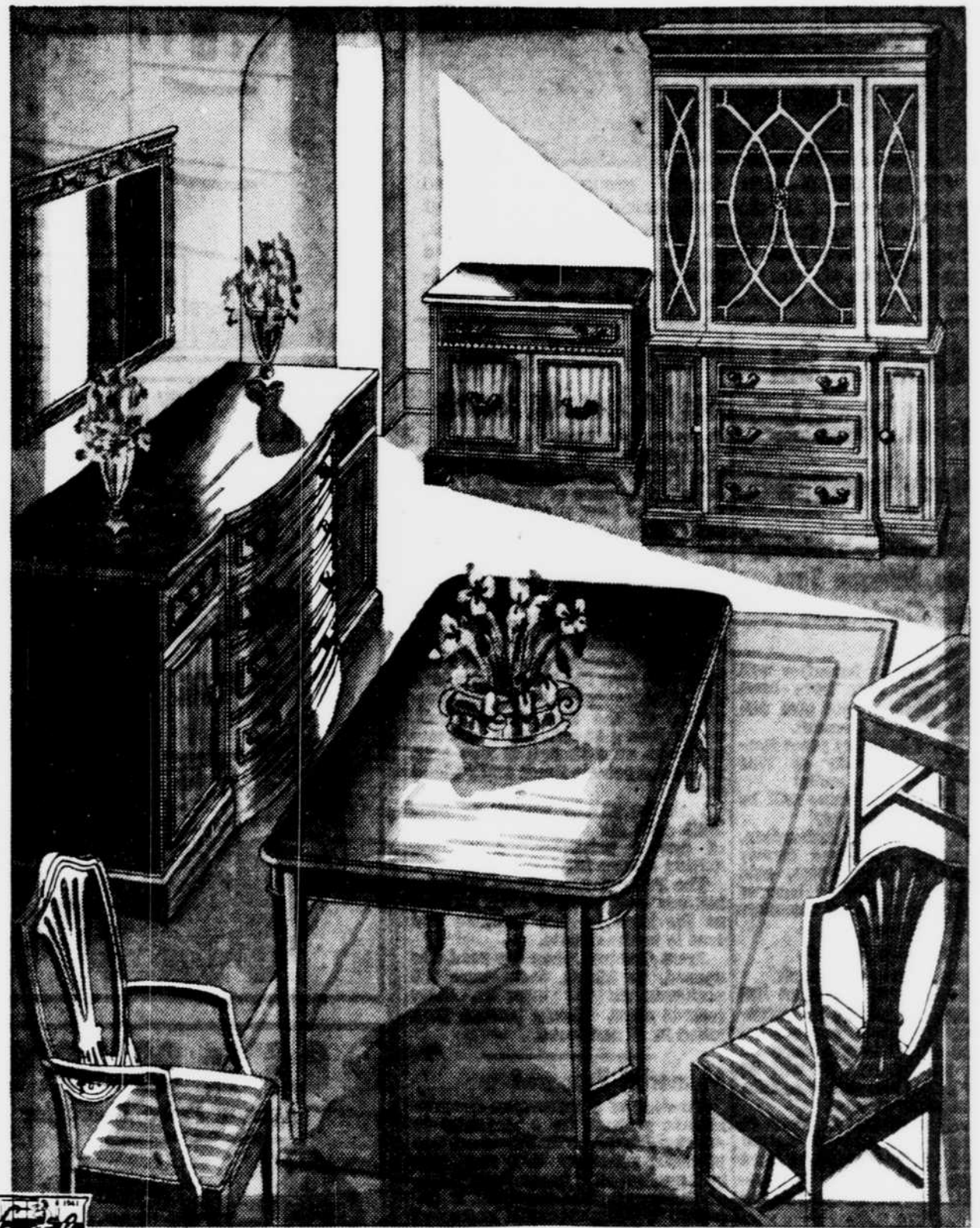
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